

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(NPD) No.469 of 2013
M.P.No.1 of 2013

Pachaiammal @ Pachai Nayaki

.. Petitioner

Vs.

1.M.Nandakumari

2.Minor Sabaresh

3.Minor Saran
(Both Minors Represented by their
Mother/Next friend & guardian
Nandakumar)

4.C.Arumugam

5.D.Nagaraj

6.ICICI Lombard General Insurance Company Ltd.,
Zenith House,
Keshavrao Khade Marg, Mumbai.

7.Chandran

.. Respondents

(Chandran @ Babu, husband of Revision
Petitioner died after filing of the
M.C.O.P and hence he is not
arrayed as a party in this revision)

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the award dated 29.09.2012 made in M.C.O.P.No.948 of 2011 on the file of the Motor Accidents Claims Tribunal/Fast Track Court No.III/Additional District Court, Coimbatore.

For Petitioner : Mr.A.S.Vijayaraghavan

For R1 to R3 : M/s.Elizabeth Ravi
for Mr.P.Raja

For R4 to R7 : Not ready in notice

ORDER

This Civil Revision Petition has been filed against the award dated 29.09.2012 made in M.C.O.P.No.948 of 2011 on the file of the Motor Accidents Claims Tribunal/Fast Track Court No.III/Additional District Court, Coimbatore.

2. The petitioner is the 5th respondent, respondents 1 to 3 are the claimants, respondents 4 to 7 are the respondents 1 to 4 in M.C.O.P.No.948 of 2011 on the file of the District Judge of Coimbatore. The respondents 1 to 3 filed the said M.C.O.P against the petitioner and respondents 4 to 7, claiming a sum of Rs.22,00,000/- for the death of one Manikandan. The respondents 1 to 3 are wife and children of the deceased Manikandan and 5th

respondent and one Chandran @ Babu are the parents of the deceased Manikandan.

3. In the claim petition, the petitioner and Chandran @ Babu entered appearance through advocate and are contesting the claim petition. The petitioner herein filed counter statement and submitted that their share of compensation may be directed to paid to them. The Tribunal referred the matter to the Lok Adalat. No notice was issued to the petitioner and Chandran @ Babu, father of the deceased Manikandan. From the materials on record, it seen that before the Lok Adalat, only the respondents 1 to 3 and 6th respondent herein, the Insurance company appeared and agreed for the compensation to be paid by the Insurance company to the respondents 1 to 3 only. Based on the said settlement Tribunal passed an award. The petitioner filed a memo to reject the award on the ground that no notice was issued before settling the amount in the Lok Adalat. The Tribunal rejected the said memo.

4. In the circumstances, the petitioner has come out with the present Civil Revision Petition against the award dated 29.09.2011 made in M.C.O.P.No.948 of 2011.

5. Heard the learned counsel appearing for the petitioner and respondents 1 to 3 and perused the materials available on record.

6. The petitioner is mother and 7th respondent, Chandran @ Babu is father of the deceased Manikandan. Both are entitled to compensation for the death of their son. Without notice to the petitioner, compensation amount payable was arrived at in the Lok Adalat to the respondents 1 to 3 and 6th respondent. No compensation was awarded to the petitioner. The Tribunal failed to see that no notice was issued by the Lok Adalat and petitioner was not party before the Lok Adalat and that no compensation was agreed to be paid to the petitioner. The Tribunal has committed an irregularity in passing award granting compensation only to the respondents 1 to 3. In view of the same, award of the Tribunal is set aside and the matter is remitted back to the Tribunal. The Tribunal is directed to decide the claim petition afresh on hearing the parties including the petitioner and pass orders in accordance with law.

7. In the result, the Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed. The

M.C.O.P is of the year, 2011. The Tribunal is directed to dispose the claim petition within two months from the date of receipt of copy of this order.

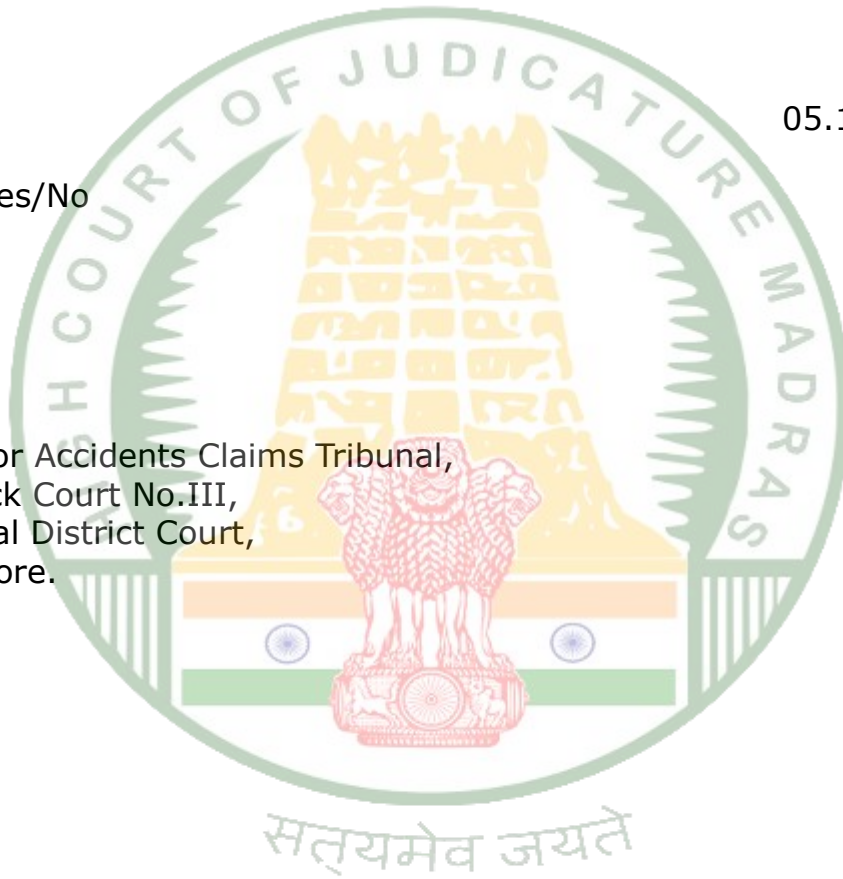
05.10.2017

Index: Yes/No

mfa/gsa

To

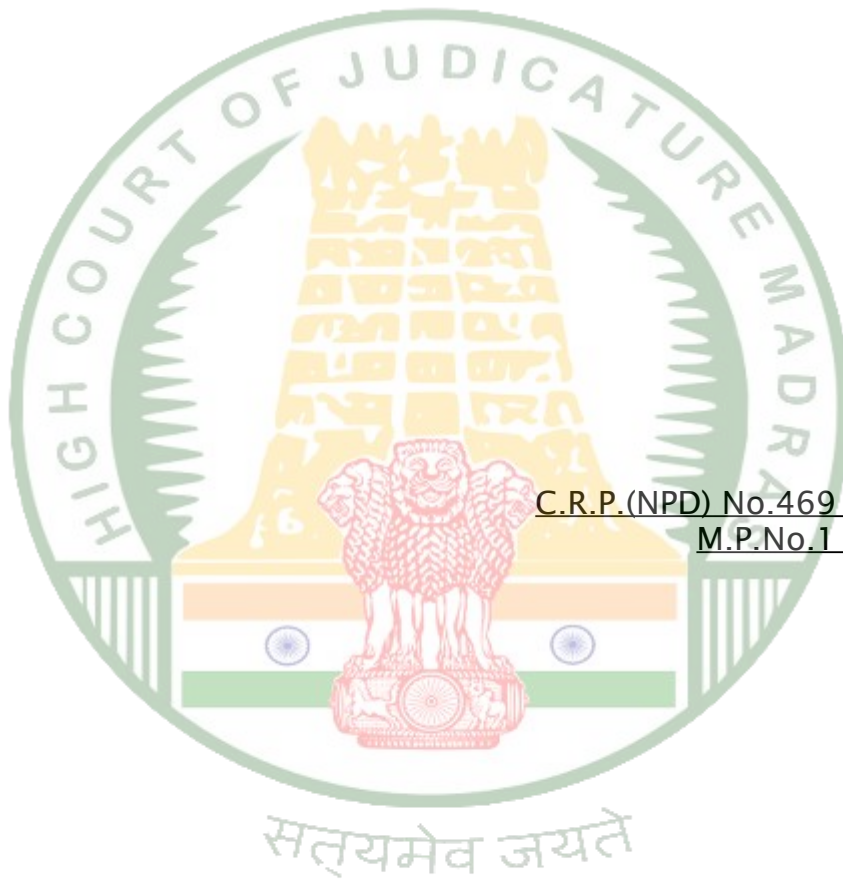
The Motor Accidents Claims Tribunal,
Fast Track Court No.III,
Additional District Court,
Coimbatore.



WEB COPY

V.M.VELUMANI,J.

mfa



C.R.P.(NPD) No.469 of 2013
M.P.No.1 of 2013

WEB COPY

05.10.2017